

**Speech-Language Pathology and Audiology Board**

1422 HOWE AVENUE, SUITE 3, SACRAMENTO, CA 95825

TELEPHONE: (916) 263-2666/ FAX: (916) 263-2668

www.slpab.ca.gov



**STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD  
Cal Expo Vagabond Executive Inn  
2030 Arden Way  
"Governor's Room"  
Sacramento, CA 95825  
January 22, 2004  
AUDIOLOGY PRACTICE COMMITTEE  
MEETING MINUTES**

**Committee Members Present**

Rebecca Bingea, M.A., Chairperson  
Marcia Raggio, Ph.D.  
Alison Grimes, AuD

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Candace Raney, Staff Analyst  
Lori Pinson, Staff Analyst  
George Ritter, Legal Counsel

**Board Members Present**

Sherry Washington, M.A.  
James Till, Ph.D.  
Bruce Gerratt, Ph.D.

**Guests Present**

Cydney Fox, Vertigo Diagnostics Incorporated  
Hanna Alexander, Vertigo Diagnostics Incorporated  
Mark Riggs, President, Vertigo Diagnostics Incorporated  
Warner Glassford, Vice President, Vertigo Diagnostics Incorporated  
Gail Ternes, California Academy of Audiology  
Patricia Rae Evans, California Physical Therapy Association  
Ed Dunlay, The Chattanooga Group  
Jan Speirs, Scripps Memorial Hospital

**I. Call to Order**

Chairperson Bingea called the meeting to order at 3:55 p.m.

## **II. Introductions**

Those present introduced themselves.

## **III. Discussion on Vestibular Function Studies Conducted by Unlicensed Personnel**

Ms. Del Mugnaio explained that this issue was brought to the Board's attention by National Heritage Insurance Company (NHI), an insurance company billing agent. NHI expressed concerns regarding a substantial increase in billing for vestibular function studies and asked the Board for guidance regarding the personnel who are authorized to conduct these studies.

Ms. Del Mugnaio stated that, as indicated in the Speech-Language Pathologists and Audiologists Practice Act, assessing vestibular function is within the scope of practice of audiology and as such can only be conducted by a licensed audiologist or an aide registered with the Board and under the direct supervision of an audiologist. In addition, provisions of the Medical Practice Act may authorize the study to be conducted by a physician or a person operating under the direct supervision of a physician.

Ms. Del Mugnaio further explained that according to NHI, in some instances these studies are being conducted by unlicensed personnel.

Ms. Del Mugnaio stated that the Board was subsequently contacted by Vertigo Diagnostics Incorporated (VDI) who expressed an interest in addressing the Board regarding establishing standards for individuals involved in vestibular function testing.

Ms. Del Mugnaio explained that there were two main issues before the Committee. First, should vestibular function studies be performed by support level personnel, and what level of supervision is appropriate? Second, what other personnel, aside from audiologists and registered audiology aides, can legally conduct these studies?

Ms. Del Mugnaio explained that the Board does have a subcategory of the audiology aide, an industrial audiology aide, that has a different level of supervision. The function of an industrial audiology aide is to provide industrial hearing screenings to employees of organizations where the employees are routinely exposed to high noise levels.

Ms. Grimes explained that there is a portion of the electronystagmography (ENG) study that could be conducted by a paraprofessional. However, she expressed concern regarding certain portions of conducting the ENG that require the judgment and knowledge of an audiologist. She stated that the procedure does present certain risks.

Mr. Ritter stated that in conducting a preliminary review of the matter, it is clear that vestibular function is the practice of audiology and as such must be conducted by a licensed audiologist or an audiology aide under the direct supervision of a licensed audiologist.

Representatives from VDI presented information to the Committee regarding their mobile diagnostic testing facility.

Mr. Riggs provided the Committee with information regarding the issue of vestibular dysfunction. He explained that VDI is in constant communication with Medicare regarding the auditing of records to identify fraud in the area of billing for the vestibular function study. Mr. Riggs explained that the primary reason for addressing the Committee at this meeting is to discuss the use of unregistered individuals to conduct these studies.

Mr. Glassford addressed the Committee to discuss the specific operations and purpose of VDI. He explained that VDI employees go to physician offices, conduct the vestibular function study, gather the data, and then have the data read and interpreted by an audiologist, neurologist or other qualified individual practicing in the field.

Mr. Glassford explained that this is a much needed service and provided statistics to show the number of falls resulting in injury among older adults who may possibly have a vestibular dysfunction. He stated that medical care and rehabilitation costs related to fall injuries result in higher costs to Medicare.

Mr. Glassford stated that there are not enough audiologists to conduct these studies. He explained that VDI has an extensive training program to train individuals to conduct these studies.

Ms. Fox addressed the Committee regarding the utilization of a paraprofessional to conduct the study. Ms. Fox provided information to support her assertion that physicians and audiologists are overqualified to conduct these studies. Ms. Fox stated that the studies are conducted in a physician's office. Ms. Fox stated that audiologists are not receiving training regarding conducting these studies as part of their program curriculum. She explained that VDI has an extensive training program designed to train individuals to conduct the ENG studies.

Ms. Alexander provided the Committee with information regarding VDI's training program. She provided the Committee with written information regarding VDI's training protocol and explained that VDI would like to establish a certification for vestibular technicians that would include participating in and completing VDI's training program.

Mr. Riggs explained that there is a significant need for these services and a severe shortage of audiologists to perform these studies. Mr. Riggs stated that falls in the elderly population are common and the goal of VDI is to decrease these situations by identifying vestibular dysfunction so that individuals may seek treatment and resolution of the problem.

Ms. Grimes asked for clarification regarding whether the audiologist has direct contact with the patient or whether the audiologist is solely reviewing the results of a study that was previously conducted independently by a technician. Mr. Riggs explained that the audiologist does not actually see the patient but reviews and interprets the results of the ENG.

The Committee expressed concern regarding the direct supervision by a physician and/or audiologist as required by law.

Mr. Riggs stated that VDI is in the process of changing to utilizing audiologists to conduct these studies until such time as the appropriate law, regulations, training programs, etc. can be established to allow a paraprofessional to conduct the ENG.

Mr. Riggs explained that many of the vestibular function studies are conducted by utilizing a computer program that automatically adjusts based upon the information obtained.

Ms. Del Mugnaio advised Mr. Riggs to contact one of the professional audiology associations to assist with pursuing legislation to establish a new paraprofessional category.

Ms. Del Mugnaio stated, in summary, that vestibular function studies are the practice of audiology and therefore, any paraprofessional or technician conducting the test must be under the direct supervision of a physician or audiologist. This issue came before the Board through a Centers for Medicare and Medicaid Services (CMS) billing agent, Heritage Insurance Company (NHI), who is receiving a dramatic increase in billings for vestibular function studies. Heritage Insurance Company contacted the Board to determine the appropriate personnel authorized to bill for the services and Ms. Del Mugnaio informed NHI that vestibular function assessment is the practice of audiology and therefore, should be conducted by a licensed audiologist or someone working under the direct supervision of a licensed audiologist. Since that time, NHI has made changes to their reimbursement guidelines to reflect that Medicare will only reimburse charges for vestibular function studies if the studies are performed by physicians or by licensed audiologists with a prescription from a physician. Vertigo Diagnostics has appeared before the Board to present information about access issues in terms of a shortage of audiologists available to conduct the studies. Vertigo Diagnostics asserts that it has a very intensive training program for technicians to learn how to utilize the equipment to conduct vestibular function studies in a physician's office. However, whether there is direct supervision is questionable. After contacting the Board, VDI learned that the use of unregistered personnel to conduct vestibular studies is a violation of the Speech-Language Pathologists and Audiologists Practice Act, and therefore has revised its program to utilize only audiologists to perform the tests.

Ms. Del Mugnaio explained that any questions regarding supervision by a physician should be directed to the Medical Board.

Mr. Ritter agreed to conduct more legal research regarding the reporting relationship and supervision role of a physician to personnel who are not directly employed by the physician or medical group and who provides some level of patient care.

#### **IV. Legislation**

##### **A. SB 174 – Hearing Aid Coverage**

##### **B. SB 648 – Unbundling**

Ms. Del Mugnaio stated that there has been no action regarding either SB 174 or SB 648. She explained that this is the second year of a two-year legislative cycle and if no further action is taken, the bills will die.

**C. Other Legislation of Interest to the Committee**

Ms. Del Mugnaio stated that there is no other legislation of interest to this Committee.

**V. Sunset Review Report Topics for the Practice of Audiology**

Ms. Del Mugnaio explained that she and Ms. Raggio have been working to amend the Sunset Review Report. She stated that the copy provided is the most recent draft. She asked the Committee and those Board members present to review this document and be prepared to discuss the document during the full Board Meeting to be held on January 23, 2004.

There being no additional discussion, Chairperson Bingea adjourned the meeting at 5:10 p.m.

---

Annemarie Del Mugnaio, Executive Officer